

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 09-02

Introduced by Council President Boniface at the request of the County Executive
and by Council Member Shrodes

Legislative Day No. 09-01 Date January 6, 2009

AN ACT to repeal and reenact, with amendments, Subsection A(10), Priority Preservation Area Plan, of Section 169-1, Adoption; legal status, of Chapter 169, Master Plan, of the Harford County Code, as amended; to provide for the adoption of the Priority Preservation Area Plan as part of the Master Plan; and to further provide that a copy of said Priority Preservation Area Plan is attached to this Act and made a part hereof as though it were fully stated herein.

By the Council, January 6, 2009

Introduced, read first time, ordered posted and public hearing scheduled

on: February 3, 2009

at: 7:00 p.m.

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on February 3, 2009, and concluded on, February 3, 2009.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Subsection A(10), Priority Preservation Area Plan, of Section 169-1, Adoption; legal status, of Chapter 169, Master Plan, of the Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with amendments, all to read as follows:

Chapter 169. Master Plan

§ 169-1. Adoption; legal status.

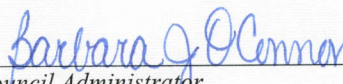
A. 2004 Master Plan. The 2004 Master Plan, dated May 2004, as adopted by County Council Bill 04-23, is hereby declared to be the Official County Master Plan.

(10) Priority Preservation Area Plan. The Priority Preservation Area Plan, dated [April 2008] JANUARY 2009, is incorporated herein by reference as part of this chapter as though fully stated herein, and the Priority Preservation Area Plan is hereby declared to be part of the Official Harford County Master Plan.

Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: April 6, 2009

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator

HARFORD COUNTY BILL NO. 09-02

Brief Title Priority Preservation Area Plan 2009

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date February 3, 2009

ENROLLED

Billy Bonifant
Council President

Date February 3, 2009

BY THE COUNCIL

Read the third time.

Passed: LSD 09-4

Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of February, 2009 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date February 5, 2009

BY THE COUNCIL

This Bill No. 09-02 having been approved by the Executive and returned to the Council, becomes law on February 5, 2009.

EFFECTIVE DATE: April 6, 2009

Barbara J. O'Connor
Barbara J. O'Connor,
Council Administrator

PRIORITY PRESERVATION AREA PLAN

January, 2009

Prepared by the Harford County
Department of Planning and Zoning

David R. Craig
Harford County Executive
≈ Preserving Harford's past; promoting Harford's future ≈

Introduction

Harford County's preservation efforts began in the late 1970s when the first properties were preserved through programs offered by the Maryland Environmental Trust and the Maryland Historical Trust. In 1982, the County began its first agricultural preservation program with the Maryland Agricultural Land Preservation Foundation (MALPF). Then in 1993, the County established the Harford County Agricultural Preservation Program (HALPP). Today, the County continues to protect agricultural lands utilizing all these programs, and since 2000, the Rural Legacy Program and Forest Legacy Program have provided land owners with additional options for protecting their land. Future opportunities exist for utilizing both Maryland Scenic Byway Program and Maryland Heritage Area Program funding for protecting our rural character.

The Rural Legacy Program is available to property owners in two specific areas – the Deer Creek Valley Rural Legacy Area and the Manor Conservancy Rural Legacy Area. As a result of these combined State and County preservation programs, Harford County has been able to protect over 43,000 acres of prime agricultural and forest land, and considers preservation an important component of the County's land use strategies.

In 2008, the County adopted a Priority Preservation Plan which applied to the Lower Deer Creek Rural Legacy Area. An implementation strategy of the plan was that the Priority Preservation Area would be expanded to coincide with any expansion of the Deer Creek Rural Legacy Area. Later that year the MALPF Board approved, Harford County's request to expand the Deer Creek Rural Legacy Area to include the majority of the upper Deer Creek watershed. The strategies included in the Priority Preservation Plan will now also apply to that area. Now the County is moving forward with the designation of a Priority Preservation Area. Within this designated portion of the Deer Creek watershed, efforts will be made to preserve 80% of the remaining land, and funds designated under the Agricultural Stewardship Act of 2006 will be utilized in addition to existing preservation programs.

Defining the Priority Preservation Area

To be designated as a Priority Preservation Area an area should exhibit the characteristics noted in the Agricultural Stewardship Act. These are:

- Contain productive agricultural or forest soils, or be capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking;
- Be governed by local policies that stabilize the agricultural and forest land base so that development does not convert or compromise agricultural or forest resources;
- Be large enough to support the kind of agricultural operations that the County seeks to preserve, as represented in the comprehensive plan; and
- Be accompanied by the County's acreage goal for land to be preserved through easements and zoning in the PPA equal to at least 80% of the remaining undeveloped areas of land in the area.

Another important consideration in selecting an area for designation as a Priority Preservation Area is how well the area exemplifies the goals of the MALPF Program. The State goals for agricultural land preservation are:

1. Permanently preserve agricultural land capable of supporting a reasonable diversity of agricultural products.
2. Protect natural, forestry, and historic resources and the rural area character of the landscape associated with Maryland's farmland.
3. To the greatest degree possible, concentrate preserved land in large, relatively contiguous blocks to effectively support long-term protection of resources and resource based industries.
4. Limit the intrusion of development and its impacts on rural resources and resource-based industries.
5. Preserve approximately 1,030,000 acres of productive agricultural land by 2020.
6. Ensure good return on public investment by concentrating State agricultural land preservation funds in areas where the investment is reasonably well supported by both local investment and land use management programs.
7. Work with local governments to:
 - Establish preservation areas, goals, and strategies through local comprehensive planning processes that address and complement State goals.
 - In each area designated for preservation, develop a shared understanding of goals and the strategy to achieve them among rural landowners, the public at large, and State and local government officials.
 - Protect the equity interests of rural landowners in preservation areas by ensuring sufficient public commitment and investment in preservation through easement acquisition and incentive programs.
 - Use local land use management authority effectively to protect public investment in preservation by managing development in rural preservation areas.
 - Establish effective measures to support profitable agriculture, including assistance in production, marketing, and the practice of stewardship, so that farming remains a desirable way of life for both the farmer and the public-at-large.

Thus, the Priority Preservation Area should be capable of supporting profitable agricultural and forestry enterprises and should be managed by local policies that help to stabilize the land base so that agricultural or forest resources are not compromised. The area should also be large enough to support the kinds of agricultural operations that the County seeks to preserve.

To establish Harford County's Priority Preservation Area, the area designated Agricultural on the 2004 Land Use Element Plan map was analyzed. The area was evaluated in its entirety, and then six smaller areas were selected. These areas were chosen because they contained desirable agricultural activities and did not contain Rural Residential areas. They also exhibited the most potential to meet the goals of the Agricultural Stewardship Act. The areas selected were Broad Creek, Creswell, Joppa, Lower Deer Creek, Upper Deer Creek, and then a combined upper and lower Deer Creek Area. Each of the areas was evaluated to determine the percentage of the area already preserved, the acreage needed to reach the 80% goal, and the percentage of the area developed.

Figure 1 shows that to implement the Priority Preservation Area countywide would have required the protection of an additional 48,000 acres, and this acreage would have exceeded the County's Land Use Element Plan strategy to preserve 55,000 acres by 2012. It would have also required protecting more acreage than has been preserved since the first easement in Harford County was established in 1977. The 80% acreage requirements for the subareas, however, were all consistent with the Land Use Element Plan's preservation goal of 55,000 acres.

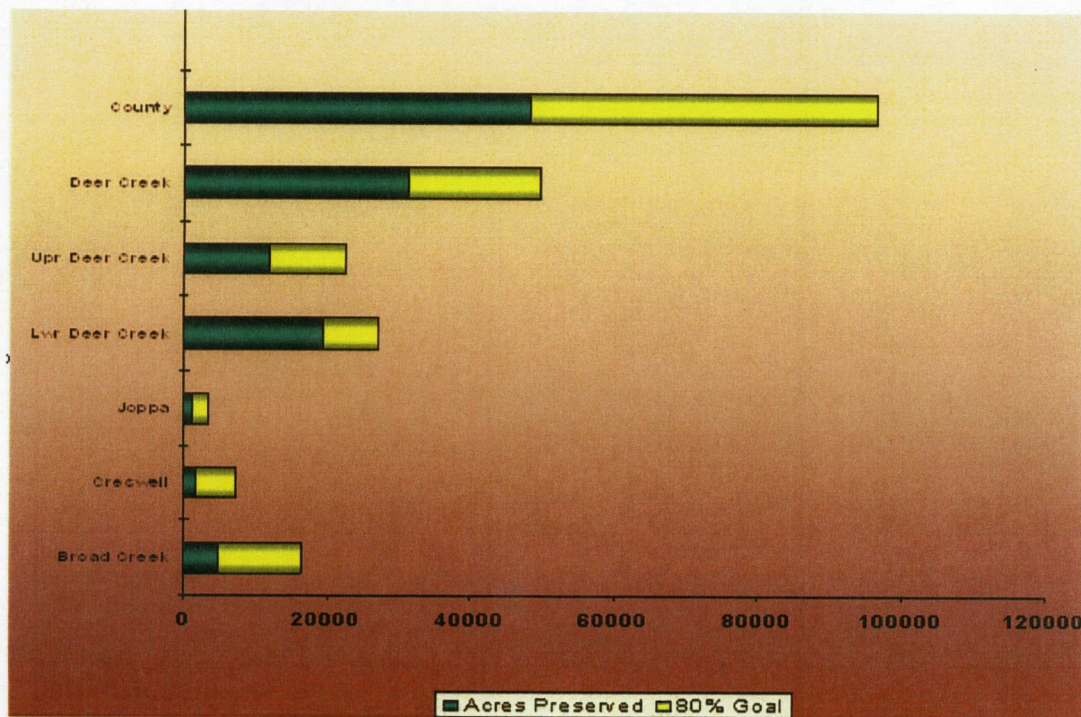


Figure 1

Because the County has maintained a policy of directing growth to its Development Envelope since 1977, the rural areas have experienced less development pressure than other portions of the County. Since 1990, building permit activity outside of the Development Envelope has averaged 18% ranging from a low of 15% to a high of 24% (Figure 2).

HARFORD COUNTY RESIDENTIAL PERMIT ACTIVITY: 1990 - 2007

Year	TOTAL PERMITS ISSUED	PERMITS ISSUED INSIDE ENVELOPE	% INSIDE	PERMITS ISSUED OUTSIDE ENVELOPE	% OUTSIDE
1990	2,498	2,069	83%	429	17%
1991	2,011	1,560	78%	451	22%
1992	2,399	2,005	84%	394	16%
1993	1,756	1,381	79%	375	21%
1994	1,714	1,434	84%	280	16%
1995	1,534	1,276	83%	258	17%
1996	1,856	1,575	85%	281	15%
1997	1,565	1,279	82%	286	18%
1998	1,675	1,328	79%	347	21%
1999	1,830	1,477	81%	353	19%
2000	1,596	1,292	81%	304	19%
2001	1,912	1,571	82%	341	18%
2002	1,916	1,572	82%	344	18%
2003	1,992	1,512	76%	480	24%
2004	1,777	1,482	84%	295	17%
2005	2,114	1,805	85%	309	15%
2006	1,031	827	80%	204	20%
2007	824	696	84%	128	16%
Total	31,176	25,445	82%	5,731	18%

*Note: Includes municipal permit data.

Figure 2

In addition to examining permit activity, the amount of land developed in the rural areas was evaluated. Figure 3 shows the percentage of developed land for each of the areas studied. The Lower Deer Creek area experienced the smallest amount of development.

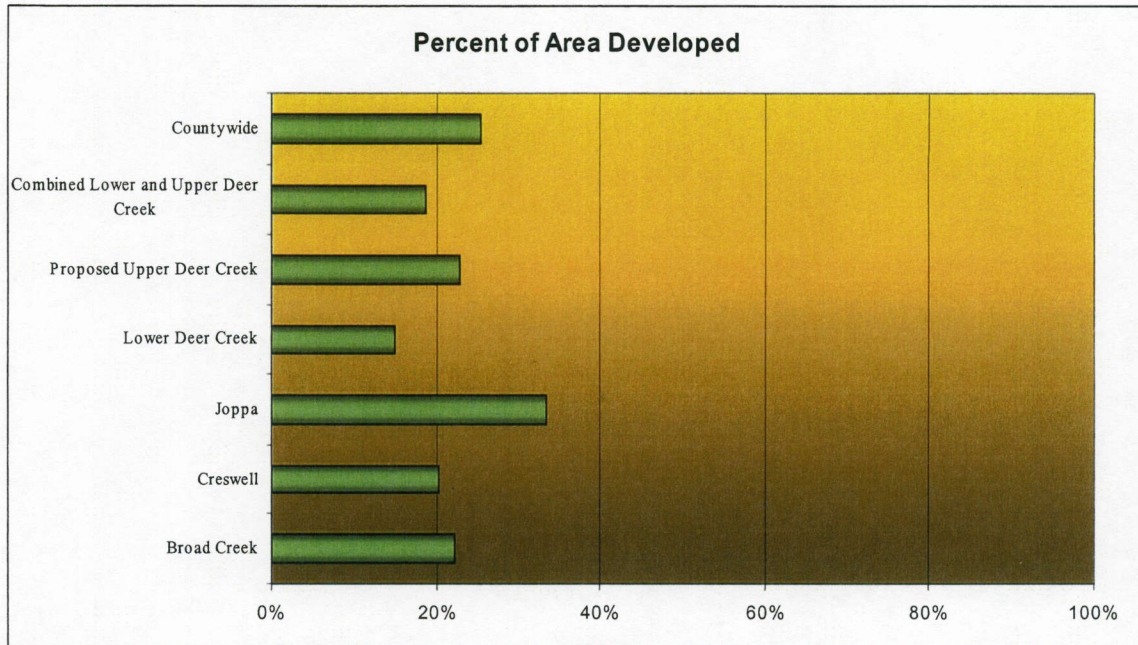
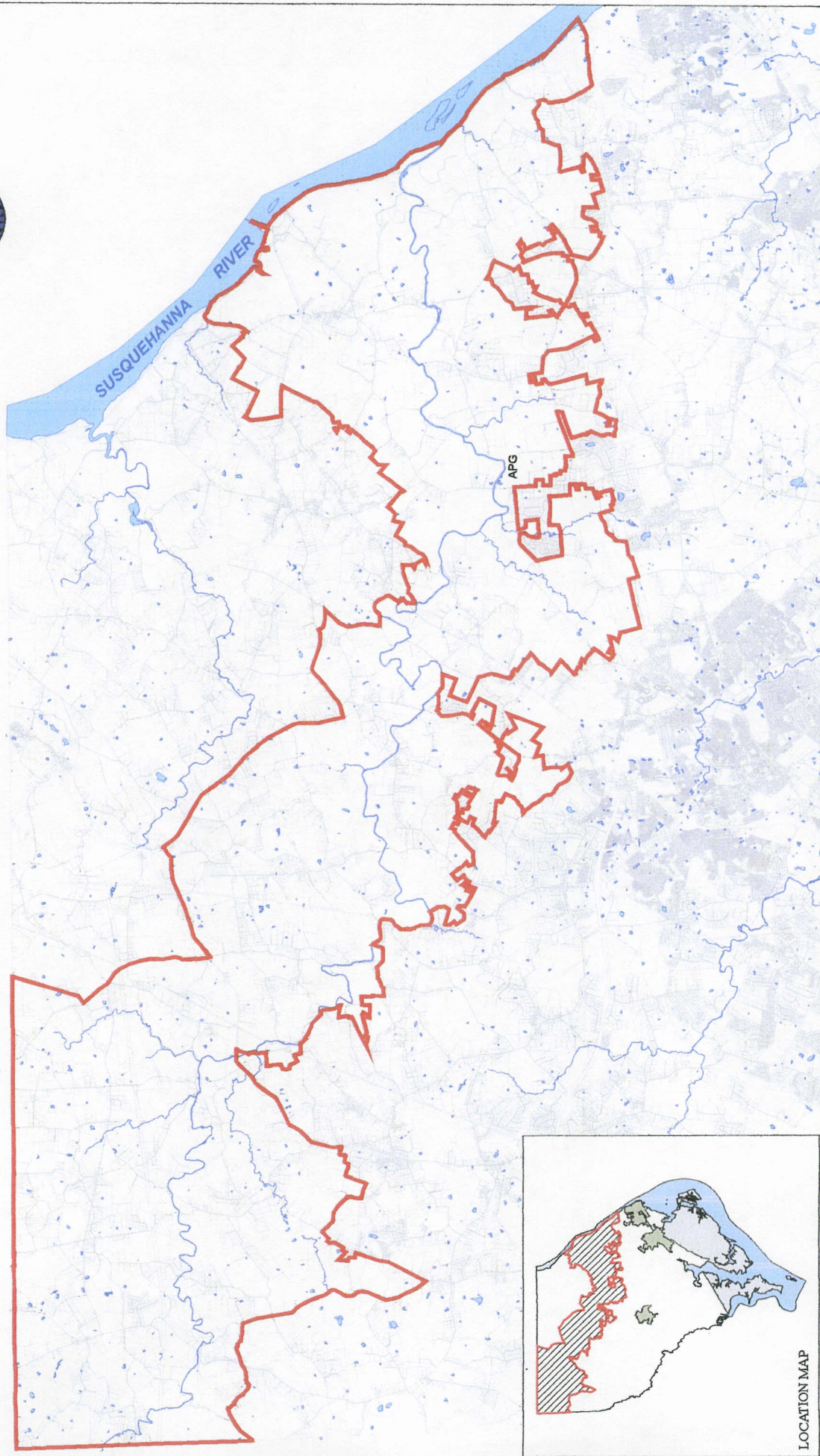


Figure 3

Based on the Priority Preservation Area goal of protecting 80% of the remaining undeveloped land, and program goals to concentrate preserved land in large relatively contiguous blocks, the Lower Deer Creek Valley was selected as the Priority Preservation Area. However, there was strong support to expand the Priority Preservation Area to include the upper portion of the watershed, and an implementation strategy was included in the Plan to expand the Priority Preservation Area if the Deer Creek Rural Legacy Area was expanded. Harford County's Priority Preservation Area now coincides with the expanded Deer Creek Rural Legacy Area (Figure 4).

In this area, 48% of the land is already preserved, and there is the opportunity to utilize the Rural Legacy Program as an additional preservation mechanism. There is also a strong interest among landowners in this area to continue and expand preservation efforts. Because of these factors, the County believes that the potential of achieving the 80% preservation goal is greatest in this area. To reach this goal, an additional 11,993 acres must be protected.



Deer Creek Valley Priority Preservation Area
Hydrology

**DEER CREEK VALLEY
PRIORITY PRESERVATION AREA**
Harford County, Maryland

Figure 4

Characteristics of the Deer Creek Valley Priority Preservation Area

Harford County's Priority Preservation Area is located in the northeastern portion of the County and has the same boundaries as the Deer Creek Valley Rural Legacy Area. The area is designated Agricultural on the County's 2004 Land Use Map and is located outside the County's designated growth area (Figure 5).

The area encompasses 66,701 acres, just about 86% of Harford County's portion of the Deer Creek watershed. Of these 66,701 acres, 48% (31,723 acres) have been protected with an additional 300+ acres awaiting settlement (Figure 6). This includes a combination of easements and protected park land. Three State Parks are located within the area – Rocks, Palmer, and Susquehanna. The majority of the easements are through the Harford County Agricultural Land Preservation Program, MALPF, or Rural Legacy with the Maryland Environmental Trust and Maryland Historical Trust holding the remainder.

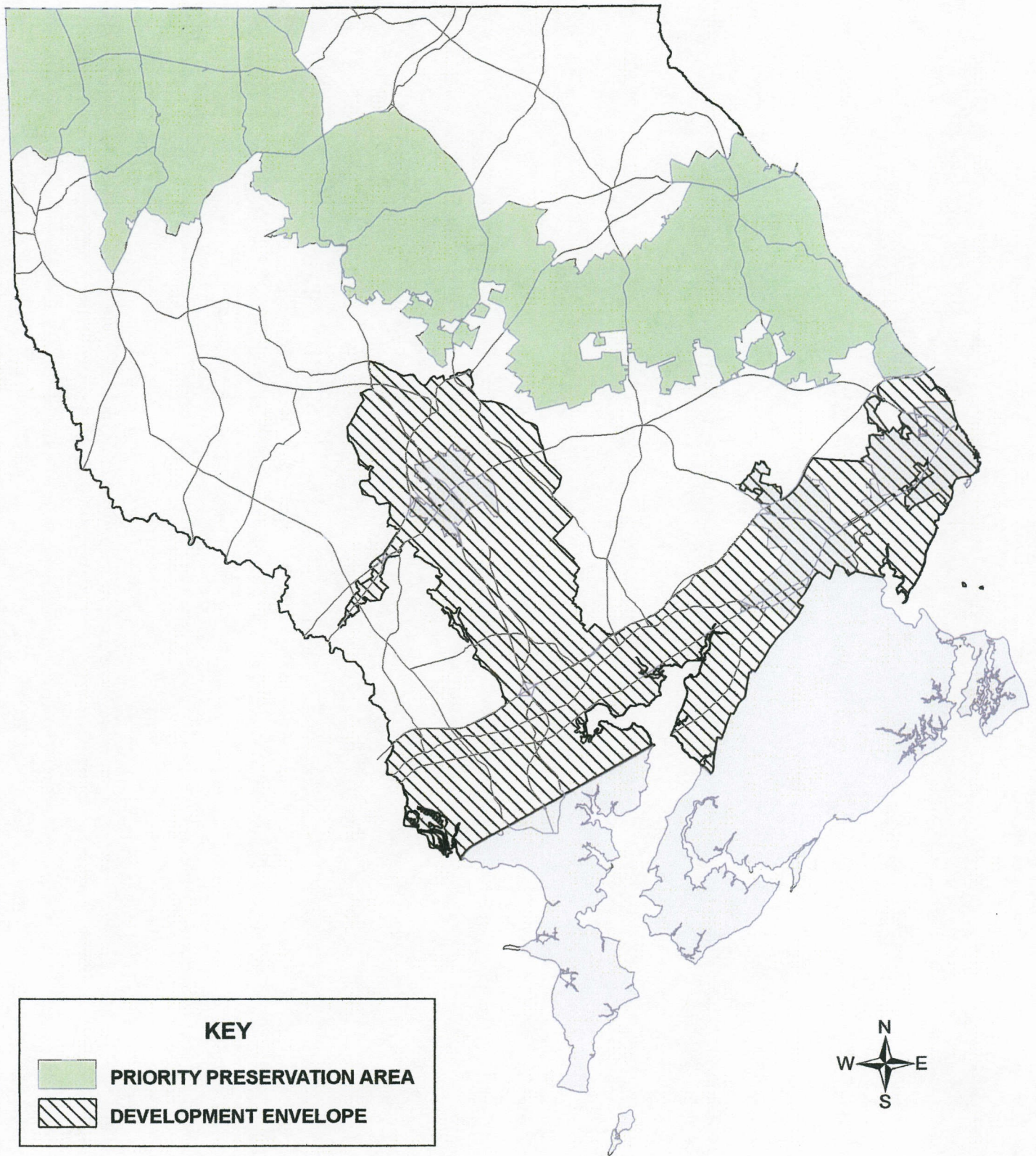
In addition, there are just over 2,200 acres in preservation districts - 1,979 acres in Harford County Land Preservation districts and 1,230 acres in MALPF districts. Participation in the district program is voluntary and is generally the first step in the preservation process. While in the district program, the property owner has the option to withdraw from the district or move on to the preservation program.

There is a demonstrated and long standing commitment to land preservation within the Lower Deer Creek Valley. Bounded by the river at Susquehanna State Park and continuing up the watershed, a contiguous block of over 16,008 acres represents 51% of the protected land in the area. This trend to large, connected blocks of protected land helps to maintain the viability of agricultural operations in the area.

With its high concentration of prime agricultural soils, the Deer Creek Valley is a major contributor to the County's agricultural economy. Over 47% of the area is comprised of Class I, Class II, and Class III soils for crops, and over 35% of the area is comprised of Class I and Class II soils for forests. This highly productive base supports a diversified mix of agricultural and forestry enterprises.

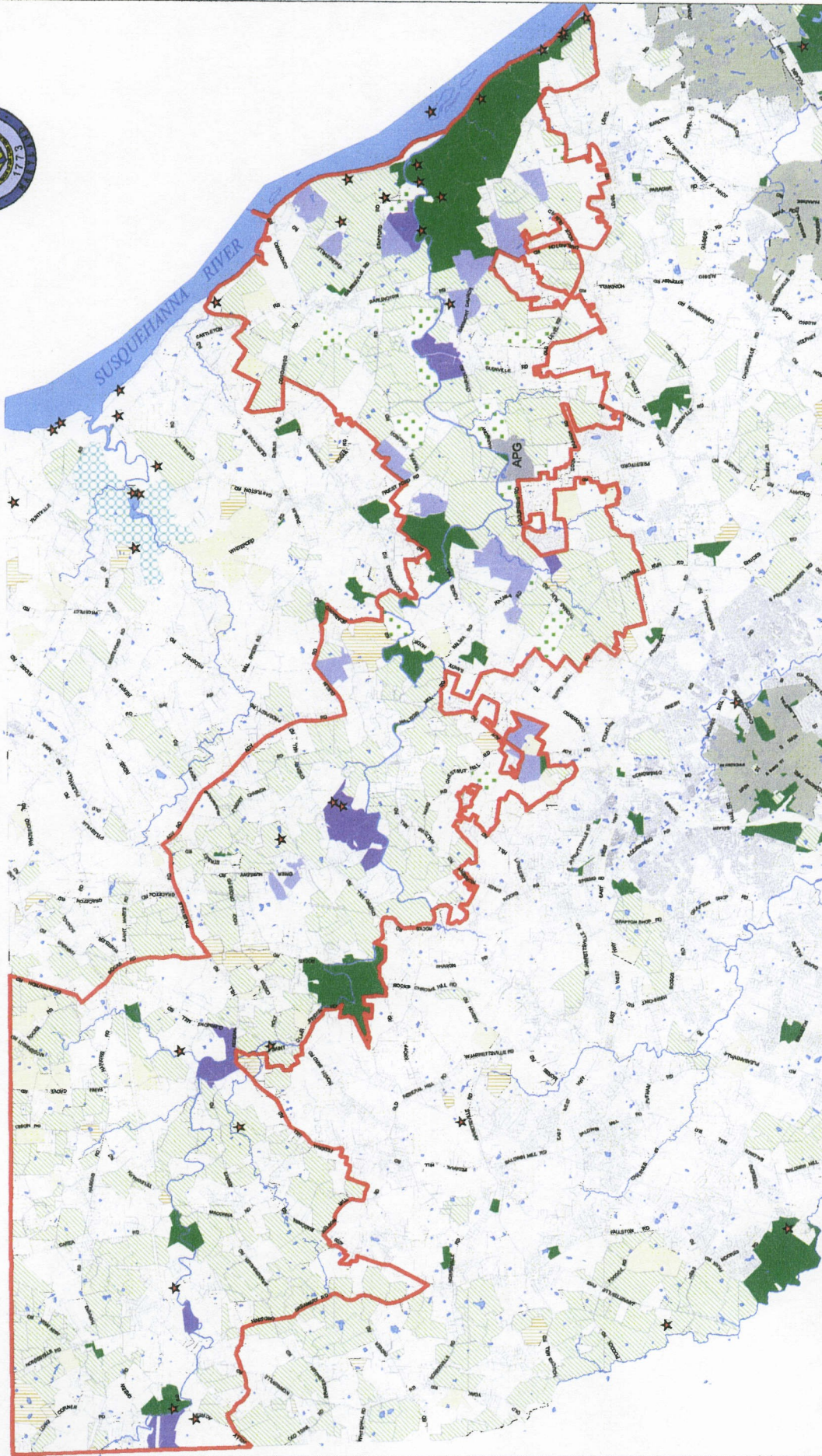
Land uses in the area are a mix of agriculture, woodland, and residential or other uses. Agriculture and woodland uses comprise almost 79% of the area (Figure 7). There are also 41 State identified habitat sites within the area. It is estimated that 55% of the County's farms – 375 farms – are located in the Priority Preservation Area. The average producing farm in the area is approximately 120 acres with many farmers owning or renting multiple parcels.

While traditional beef, dairy and cash grain operations are the major agricultural enterprises, other sectors such as equine, orchards and horticulture are expanding. Area farmers have also demonstrated their ability to adapt to changing demographics by moving to more value added products and direct marketing to the County's growing population.



DEVELOPMENT ENVELOPE

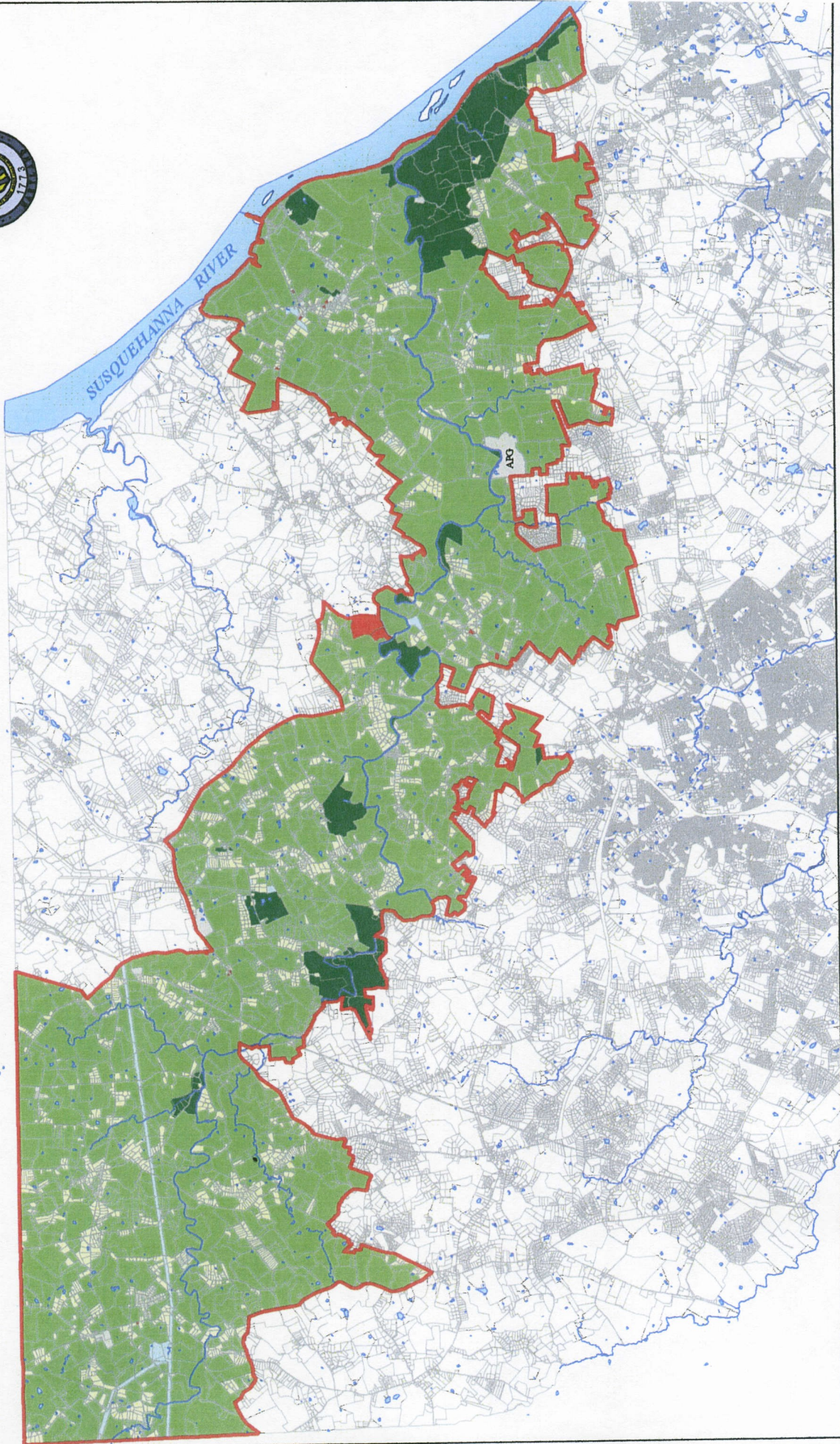
Figure 5



**DEER CREEK VALLEY
PRIORITY PRESERVATION AREA
Harford County, Maryland**

- Parks
- Pending County and State Ag Easements
- Easements
- Pending Forest Legacy Easement
- Agricultural Districts
- Rural Legacy Easements
- Deer Creek Valley
- Priority Preservation Area
- Priority 1
- Priority 2
- Rare Habitat
- Federal Land
- Municipalities

Figure 6



LAND USE
DEER CREEK VALLEY
PRIORITY PRESERVATION AREA
Harford County, Maryland

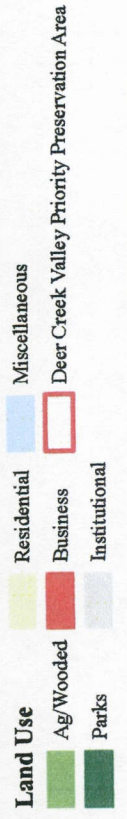


Figure 7

Area farmers participate in Farmer's Markets, both locally and outside the County, to serve the more urbanized Baltimore and Philadelphia regions. They also operate roadside stands and pick your own fields. Further processing their products into cheese, ice cream and retail ready frozen beef and lamb have given livestock producers access to new markets as well. Many stores and restaurants actively promote their utilization of locally grown products on their shelves and menus.

National and international markets also play an important role for Deer Creek Valley producers. Unique plants and innovative uses for them have given local horticulture operations a marketing edge, and several beef and dairy farms are nationally known for their quality seedstock.

Serving the racing industry and pleasure riders, the equine industry has a strong presence in the Deer Creek Valley. Concentrated mostly in the Darlington area, County thoroughbred breeders and trainers are nationally recognized for their quality bloodstock. Numerous riding stables operate in the area, providing recreational opportunities as well as competitive show events. These businesses are also providing a strong market for local hay growers and support infrastructure business such as feed stores, farriers and veterinarians. A unique event to the region is a biennial trail ride through many of the preserved farms and parks in the Deer Creek Valley. This ride, sponsored by several private preservation organizations, draws over a hundred riders, raising funds and awareness to help conservation efforts.

Equally important as their quality products, many of the area's farmers have been recognized for taking environmental stewardship well above and beyond mandated levels. They have also taken leadership roles in their respective State, regional and national industry organizations. Their innovative land preservation, environmental stewardship and production practices draw tour groups from across the country.

The selection of the Deer Creek Valley as a Priority Preservation Area clearly supports the State's goals for land preservation. As previously stated, the area contains diverse agricultural activities that continue to evolve to meet the needs of a changing market. Combined with the area's designation as a Rural Legacy Area, a portion of the area is a Certified Maryland Heritage Area. This demonstrates that the area not only contains but has also protected its natural, forest, and heritage resources, while maintaining its rural characteristics. A portion of the area is also included in Maryland's Scenic Byway program, and efforts are underway to have it designated a National Scenic Byway. Both of these programs promote and support retaining the rural characteristics of the area.

Coordination with County Plans, Policies, and Programs

The designation of the Deer Creek Valley as a Priority Preservation Area is consistent with County plans, policies and programs. The Master Plan and the Land Use Element Plan both support the continuation of agriculture and preservation of the rural quality of life that has been part of Harford County's history. Other plan elements also incorporate these goals, and various County boards and programs help to implement these policies that are designed to protect the character of the rural area.

The Master Plan and Element Plans

The Harford County Charter requires the development of a Master Plan, and it requires the inclusion of a series of elements or components which “further advance the purposes” of the Master Plan. The 2004 Master Plan’s “guiding principles” – quality of life, stewardship of our resources, growth management, redevelopment and revitalization, a sound, balanced, and diversified local economy, commitment to communities, and coordination among agencies – serve as the common threads providing continuity and consistency among the various plan elements.

The 2004 Land Use Element Plan is the core of the Master Plan. Pages 96 -106 of the Plan include a specific section which addresses the protection and preservation of the County’s agricultural heritage and the continued viability of agriculture. The Preservation section includes a series of policies and implementation strategies that predominately support the Priority Preservation Area concept. These policies are:

1. Improve agricultural preservation programs so they remain a viable option for landowners.
2. Ensure that the agricultural district classification supports the agricultural industry.
3. Promote land use patterns that support the continuation of agriculture.

In addition, the Economic Development section of the Land Use Plan recognizes the economic value of agriculture to the County. This section includes a specific policy and implementation strategies to address enhancing the economic viability of agriculture.

Several of the County’s other element plans are also interrelated with the designation of a Priority Preservation Area. The Land Preservation, Parks, and Recreation Element Plan and the Natural Resources Element Plan both have as a major goal the protection and stewardship of our natural resources. The Land Preservation, Parks, and Recreation Element Plan also contains a specific section dedicated to agricultural preservation efforts and reiterates the goals and recommendations noted in the Land Use Element Plan.

As a component of the County’s Master Plan, the Priority Preservation Element Plan will promote an integrated approach to preservation efforts. It will establish appropriate goals for the amount of land to be preserved and describe the kind of agricultural production this area will support along with the way the preservation goals will be accomplished.

Deer Creek Watershed Restoration Action Strategy

Efforts to concentrate the amount of preserved land in this area are also consistent with the recommendations of the Deer Creek Watershed Restoration Action Strategy (WRAS). Completed in June 2007, the Deer Creek WRAS identifies and prioritizes subwatersheds and stream systems that are degraded and in need of management efforts and those resources that are of high quality and are in need of protection.

Based on Deer Creek's conditions, the highest priority strategies are focused on agricultural BMPs, riparian buffer planting, land preservation, and outreach. The WRAS has as one of its goals – "Promote the recognition of the value of farming, awareness of best management practices, preservation of farmland and financial resources necessary for their implementation." To help achieve this goal the WRAS has as an objective – "Preserve agricultural land to maintain the rural character of the watershed and preserve habitats." Therefore, identifying the Deer Creek Valley as a Priority Preservation Area supports the recommendations of the WRAS.

Zoning Code

The Zoning Code establishes regulations regarding permitted uses and buffers, and it addresses the development potential associated with agriculturally zoned lands.

Through the years, the Code has been amended to address changes in the agricultural industry and development in agriculturally zoned areas. The Code states that an agricultural operation or facility cannot be considered a nuisance as a result of changes to the surrounding lands. Agriculturally related commercial opportunities and agricultural public events like corn mazes and farm tours have been added to the Code to improve the economic viability of farms.

Agriculturally zoned land can be developed at a density of one unit per 10 acres on parcels described in the land records as of February 8, 1977. On parcels where the individual owner was also the owner of record as of the 1977 date, additional lots may be permitted for the immediate family members. These family conveyances are available for the individual owner's father, mother, brothers, sisters, sons or daughters. Development rights, purchased under an easement program, are determined based on these criteria, thereby supporting the landowner's equity.

In addition, Conservation Development Standards (CDS) were added to the Code to provide for increased preservation opportunities when development occurs. Under CDS a 100 foot buffer is required between the development and adjoining active farms and along existing public right-of-ways.

Agricultural Economic Program

Preserving and enhancing the economic viability of agriculture in Harford County is an important component of a successful preservation program. While the County has pursued an agricultural economic initiative since the 1990s, the role of this program was

recently expanded with the establishment of the Division of Agriculture within the County Executive's office.

Under the direction of the County Executive, the Deputy Chief of Agriculture oversees a myriad of activities and programs to help support and promote agriculture. This Division serves as the direct liaison to the agricultural industry and provides marketing assistance. Staff works with the Harford County Agricultural Marketing Cooperative, Inc. to provide over \$100,000 annually in grant funding to farms pursuing value added products and niche marketing. Examples of grant funded projects include the development of marketing brochures, websites, and signs for various farms, plus helping a young farmer launch a new innovative corn based product for home heating. Agricultural technical training grants are also made available through the Office of Economic Development. Staff is working on developing a consumer oriented direct marketing guide which will identify products available to retail consumers along with an online version that will be available at www.harfordfarms.com.

Farmers' markets, farm tours, and domestic and international trade missions are all part of ongoing efforts overseen by the Division of Agriculture. They also work with schools to support agricultural education at both the elementary and high school level. North Harford High School is working to establish a Natural Resource and Agricultural Sciences magnet program as well as an agricultural student work study program.

Preservation Program Evaluation

There are four major preservation programs used throughout the County (HALPP, MALPF, Rural Legacy and MET). These programs have protected over 43,000 acres in the County (Figure 8). The newest of these programs, Rural Legacy, has protected over 1,702 acres while the County program has protected almost 26,000 acres. The State program has protected an additional 12,614 acres through June 30, 2008.

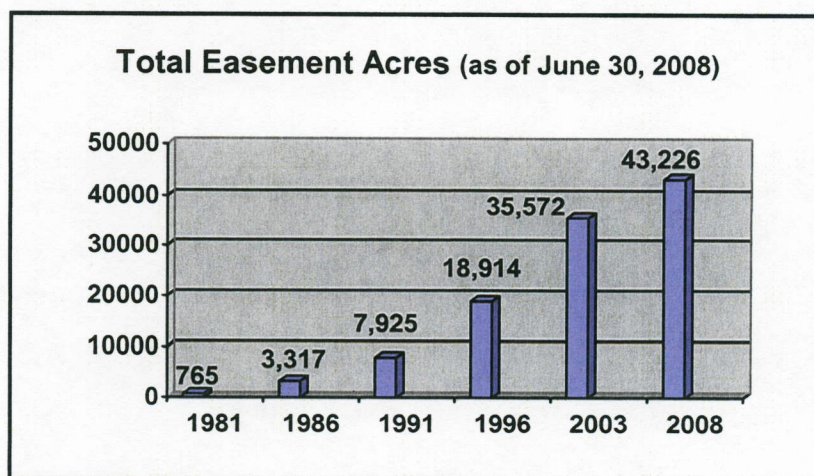


Figure 8

While Harford County's 2004 Land Use Element Plan supports agriculture and the preservation of agricultural land in the Deer Creek Valley and Countywide, there are other factors that influence preservation efforts. For land preservation efforts to remain

effective, zoning and development procedures in Harford County must facilitate development within the Development Envelope and strongly discourage development outside of the Development Envelope.

Interest in areas outside of the Development Envelope, combined with the increasing age of the farm community has impacted the amount of farmland in the County. According to the 2002 Agricultural Census Data, the County lost 12,703 acres of farmland between 1997 and 2002 – just about double the acreage lost between 1987 and 1997. Another result of increased development pressure is the rising price of land, not only for development but for preservation as well. As noted in Figure 9, the cost per easement acre fluctuates, but the average cost per acre has more than doubled in the five years between 2003 to 2008.

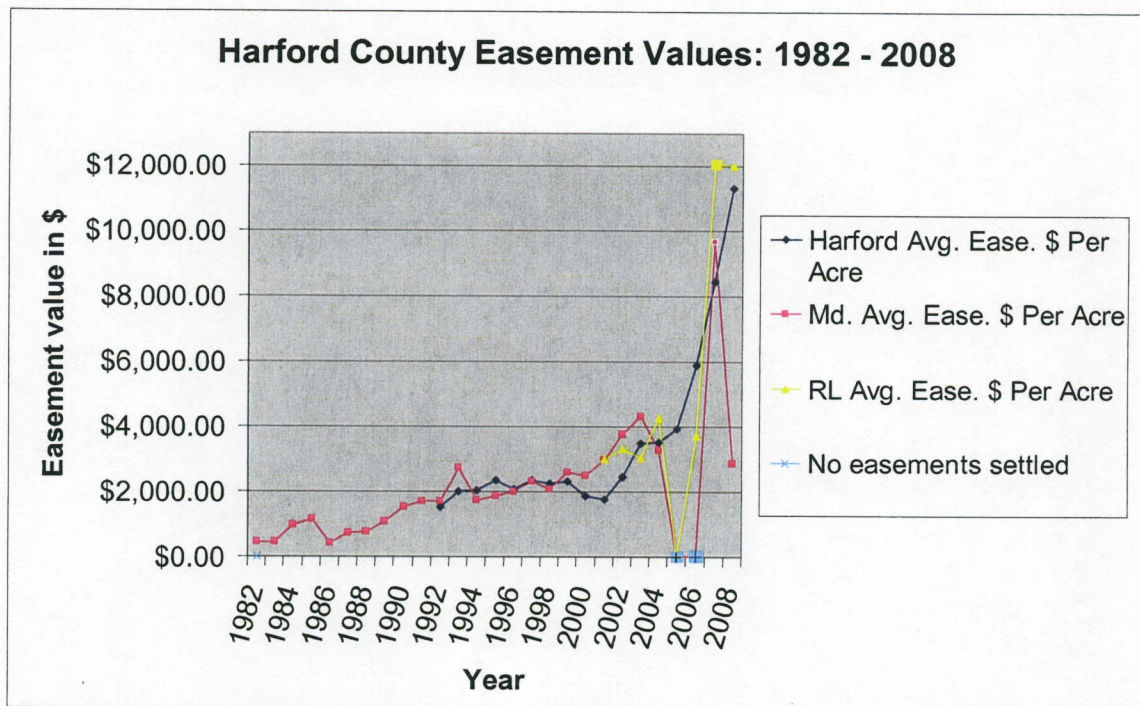


Figure 9

Fortunately, funding for preservation efforts has remained available on a consistent basis and interest in participating in the various programs has also continued. Available funding, combined with the ability to offer a variety of preservation programs, has enhanced the likelihood of finding the appropriate match for the property owner.

Easement Acquisition Mechanisms

Within the Deer Creek Priority Preservation Area, there are eleven programs that can be used to acquire easements. These programs are:

- Farmland Protection Program – Federal
- Forest Legacy – Federal
- Greenprint – State
- Harford County Agricultural Land Preservation Program (HALPP)- Local
- Maryland Agricultural Land Preservation Program (MALPF) - State
- Maryland Environmental Trust (MET) – State
- Maryland Historical Trust (MHT) – State
- Rural Legacy – State
- National Scenic Byway Program
- Chesapeake Bay Gateways Network
- Maryland Heritage Area Program

By far the most frequently used options are the Harford County Program, MALPF, and Rural Legacy (Figure 10).

Protected Lands Deer Creek Valley Priority Preservation Area

Maryland Agricultural Land Preservation Foundation (MALPF)	9,017
County Agricultural Preservation Program	15,837
Rural Legacy	1,702
Maryland Environmental Trust	461
Other protected lands	210
State Parks	3,952
County Parks	544
Total	31,723

Figure 10

In addition, several private organizations in the County are active in land preservation. These include the Isaac Walton League, the Harford Land Trust, Lower Susquehanna Heritage Greenway, and the Manor Conservancy. These private land trusts, however, may not require that a permanent easement be placed on the land.

Program Marketing

The County's marketing program emphasizes a one on one outreach effort to interest landowners in the preservation program. In addition, the County has taken a proactive approach to soliciting participants by offering a regular series of workshops. These workshops present the benefits of estate planning and demonstrate how selecting a preservation option can benefit the landowner and their heirs. The County has also

initiated an annual Preservation Awards Banquet that recognizes all of the landowners who join the program and presents a Preservationist of the Year award.

In 2007, the County updated its Preservation Program marketing materials. A new brochure explaining program options and procedures was developed. Combined with a new marketing packet that includes information and forms for both County and State programs, interested property owners now have a complete resource for evaluating which preservation option best suits their needs.

Purchase of Development Rights Program

In 2006, the County updated its Purchase of Development Rights Program to enable the Harford County Agricultural Land Preservation Advisory Board to adjust the County's per acre value on an annual basis, to ensure that offers remained competitive with the real estate market. Additional staff were added to support the program, and additional title companies were placed under contract to help expedite the settlement process. In early 2007, legislation was adopted that updated the County's 10 year old Purchase of Development Rights Program. This was done to make the program and process clearer to those interested in participating. The ranking system was also adjusted to add points for properties located within or adjacent to designated Priority Preservation Areas and Rural Legacy Areas.

Priority Preservation Area Policies

Within the designated Deer Creek Valley Priority Preservation Area, an additional 11,993 acres will need to be preserved to meet the requirements of the Agricultural Stewardship Act. In order to reach this acreage goal, while also maintaining an area that is capable of supporting profitable agricultural and forestry activities, zoning and development procedures in Harford County must facilitate development within the Development Envelope and discourage development outside of the Development Envelope.

The 2004 Land Use Element Plan contains a series of implementation strategies in the Preservation Section that if implemented will strongly support reaching this goal, as well as helping to maintain a rural environment that supports agriculture. In addition, the following policies and strategies shall be applied to the designated Priority Preservation Area.

Policy 1: Protect and preserve 80% of the remaining undeveloped lands within the designated Priority Preservation Area.

Implementation Strategies

1. Increase the amount of land preserved in the Priority Preservation Area by 500 acres per year.

2. Evaluate the need to revise the Priority Preservation Area Implementation Strategies as part of the next Land Use Element Plan update.
3. Revise the Conservation Development Standards to require that 75% of the parcel be preserved.
4. Develop a new marketing program to promote preservation within the Priority Preservation Area.
5. Establish a specific outreach program for all eligible property owners within the Priority Preservation Area.
6. Maintain the County's MALPF certification to leverage State funds with County funds.
7. Work with the State to shorten the timeframe for MALPF settlements.
8. Monitor development activity within the Priority Preservation Area to determine its impact on reaching the preservation goals established.
9. Evaluate the designated Priority Preservation Area as part of each Land Use Element Plan update to determine whether the area should be expanded.

Policy 2: *Maintain a rural environment capable of supporting agricultural activities.*

Implementation Strategies

1. Implement the strategies included in the Preservation Section of the 2004 Land Use Element Plan.
2. Review and revise existing policies and programs to ensure consistency with the Priority Preservation Program.
3. Establish a Transfer of Development Rights Program that moves development rights away from designated agricultural areas.
4. Require buffers between new residential development and agricultural areas.
5. Strengthen the right to farm legislation.
6. Revise the Priority Preservation Area to include the expanded Deer Creek Valley Rural Legacy Area as approved by the State.

Policy 3: *Support the economic viability of agriculture.*

Implementation Strategies

1. Update the Agricultural Economic Development Initiative to specifically support agriculture within the Priority Preservation Area.
2. Maintain funding for dedicated Agricultural Economic Development and Land Preservation positions within the County.
3. Maintain or expand funding for Ag Marketing co-op grants for farmers to expand marketing opportunities.
4. Promote and facilitate the use of State funding sources such as the Maryland Agricultural and Resource Based Industry Development Corporation, in coordination with agriculture oriented lending institutions, to supplement agricultural business development.

Summary

By recognizing the Deer Creek Valley area as a Priority Preservation Area, the County has taken the first step toward establishing a preservation “belt” that creates a transition from the Development Envelope to the rural portions of the County. As recommended in the Implementation Strategies, the Priority Preservation Area has been expanded to include the entire Deer Creek Rural Legacy Area, based on the Rural Legacy expansion application submitted to the State in February 2008. The new area includes the northern portion of the Deer Creek watershed. The expansion of the Rural Legacy Area was approved by the Maryland Agricultural Land Preservation Foundation Board in the fall of 2008.

However, the designation of a Priority Preservation Area does not diminish the importance of preservation throughout the County. Rather, it recognizes the opportunity to expand existing contiguous areas of protected land, meet the requirements of HB2, and maintain the County’s MALPF certification. Thereby, ensuring land owners throughout the County the opportunity to select the MALPF program as a preservation option.

As part of its regular efforts to promote agricultural preservation and rural heritage preservation, the County will develop a specific marketing campaign for the Deer Creek Valley Priority Preservation Area. This effort will emphasize not only the value of participating in the preservation program but also the variety of preservation options available.

The County will also work with the State to try and find a way to expedite the MALPF process for properties within the Priority Preservation Area. The length of the current process tends to discourage some landowners, and for others the timeframe is too long to address their more immediate financial issues.

Another important aspect of designating a Priority Preservation Area is addressing how changes to the area can be minimized while preservation efforts move forward. For property owners not interested in preservation, the changes to the Transfer of Development Rights program adopted in October 2008 expanded opportunities for utilizing their development rights. The changes provide for the transfer of development rights out of the agriculturally designated areas and also limited the percentage of rights that can still be transferred within the agricultural area. The changes also prohibit additional rights from being established on the transferring property. These changes improve the viability of utilizing the TDR program plus they decrease the amount of new development that can occur within the Priority Preservation Area.

In addition, the updated Zoning Code requires a 100 foot buffer between private wells and agricultural uses on properties being developed residentially. The buffer must be located on the developing property. Also a 50 foot buffer is required on the agriculturally zoned land that is converted to residential use, and for projects utilizing the Conservation Development Standards (CDS) a minimum of 75% of the parcel will have to be preserved. An improved right to farm statement was also added to the Subdivision Regulations to help minimize nuisance complaints.

Because there will always be a demand for additional development within the Priority Preservation Area, the importance of setting and achieving an annual preservation goal increases in importance. Specific acreage goals can only be reached by educating landowners about the advantages of participating in preservation programs, and by continuing to offer them competitive market values for their land. Developing a new Priority Preservation Area marketing program combined with the County's annual review of the per acre value established in the PDR program are essential. By monitoring development activity within the Priority Preservation Area, the County will be able to identify patterns of development. This tracking process will enable the Department of Planning and Zoning to evaluate if the amount and location of the development is adversely impacting preservation efforts or agricultural activity.

By making this concerted effort to achieve a specified amount of protected land within a defined area, there is the potential to expand blocks of contiguous preserved properties. These larger blocks of agricultural land will help to diminish the conflicts that farmers face as residential development occurs in the rural area. Larger expanses of land used for agriculture decreases the number of opportunities for rural/residential interface. It lessens the number of buffers needed between uses, and improves conditions for farmers as they move their equipment between fields. However, buffers should still be required on newly developed residential properties.

Maintaining the viability of agriculture is closely tied to other elements of the local and regional economy. Expanding the opportunities for agricultural diversification and on-farm production are just part of the economic development strategies needed to provide farmers with more flexibility in a changing market. Value-added enterprises must also be recognized and supported as a valuable component of the County's agricultural base. Reevaluating the Agricultural Economic Development Initiative to identify ways to address these needs is an important part of maintaining agriculture in the Deer Creek Valley area.

Monitoring Implementation Progress

Each year the Department of Planning and Zoning prepares an annual report detailing the progress made in implementing the 2004 Land Use Element Plan. Another section will be added to that report which will address implementation of the Deer Creek Valley Priority Preservation Area Element Plan.

The new section will document progress made in preserving land and will chart and map acquisitions completed and properties under contract. The report will also look at progress made toward addressing the other strategies included in this plan. In addition, it will document the amount of new development occurring in the PPA. This data will be used to evaluate how the preservation goals for the area are being impacted by development. If necessary, it will also report on any difficulties encountered in trying to implement the goals and strategies, and it will identify any past, current or planned actions that may be needed to correct these problems.

When the Priority Preservation Element Plan is updated, the County will prepare a report that documents the County's progress toward meeting the goals of the Maryland Agricultural Land Preservation Foundation, any shortcomings in the County's ability to achieve the goals of the Foundation, and actions taken or needed to correct these identified shortcomings.